

IN THE UNITED STATES DISTRICT COURT FOR THE CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA

WESTERN DISTRICT OF VIRGINIA

Charlottesville Division

SEP 27 2021

Elizabeth Sines, et al

Plaintiffs

v

Jason Kessler, et al

Defendants

JULIA C. DURLEY, CLERK
BY: DEPUTY CLERK


Case No: 3:17-cv-072-NKM

DEFENDANTS' OBJECTIONS TO THE MAGISTRATE'S ORDER (Doc 1106)

Comes now the Defendant, Christopher Cantwell, and, he makes the following Objections to the Magistrate's Order of Doc 1106 pursuant to Fed.R.Civ.P. 72(a):

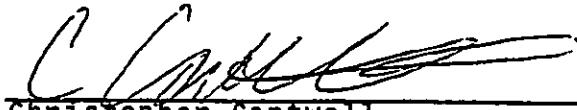
- 1) On September 22, 2021, Magistrate Joel Hoppe entered an Order Granting in Part and Denying in Part Plaintiff's Motion For Evidentiary Sanctions Against Defendant Robert Ray, Doc 1028. Doc 1106. Cantwell now makes the following timely Objections to that Order pursuant to Fed.R.Civ.P. 72(a). While the Magistrate has re-labelled the findings of fact, Cantwell here uses the Plaintiff's original schema.
- 2) Cantwell has previously filed a Response To Plaintiff's Motion For Sanctions Against Defendant Matthew Heimbach ("Heimbach Response") in which he lays out the facts that he believes will be proven at trial. Cantwell still does not have the discovery or most of the filings in this matter; but, in light of his receipt of Doc 1040, he additionally believes that the testimony of Natalie Romero will be proven false by videotape presented as evidence in this matter and that it will be shown that the immediate "but for" predicate cause of Fields' car accident was Dwayne Dixon of the Antifa terror group Redneck Revolt pointing a rifle at Fields, all as previously

pled. He incorporates these prior arguments pursuant to Fed.R.Civ.P. 10(c), and, will produce a transcript of the relevant video soon.

- 3) Particularly, as alleged in Heimbach Response para 8, though the Plaintiffs allege that Cantwell joined a conspiracy with Ray on August 11, 2017, at the meeting at McIntire Park, Cantwell believes that the evidence will show that he barely knew Ray, met Ray for the first time at that meeting, and, that videotape of that meeting will show that there was no conspiracy entered into between himself, Ray, or, any other person at that meeting.
- 4) The Magistrate previously found that, in order to impose adverse factual findings against a party, there must be a finding of bad faith. Doc 982 p 21-22. And, the Magistrate has previously acknowledged the danger of "spillover" from such adverse factual findings against one party to the other parties. Sines v Kessler 2020 US Dist LEXIS 223168 (WD Va 2020) LEXIS p 50. Here, there is no allegation of bad faith on Cantwell's part, and, so language in the adverse findings of fact protecting Cantwell from "spillover" is appropriate.
- 5) As argued in the Heimbach Response, Cantwell requests the following amendments to the proposed "Facts Deemed To Be Established" against Ray:
 - a) for #2, #3, and, #4, the phrase "Defendant Ray entered into an agreement with one or more coconspirators" should be amended

- to read "Defendant Ray entered into an agreement with one or more coconspirators who were not Christopher Cantwell";
- b) the phrase "racial minorities, Jewish people and their supporters" should be replaced with "Negroes"
- pursuant to Griffin v Breckenridge 403 US 88 (1971), United Brotherhood of Carpenters and Joiners v Scott 463 US 825 (1983) and the argument previously made in the Motion In Limine For A Determinati. That Bias Against Those Who Identify As "Jews" Is Not A Form Of "Class Based Discriminatory Animus" Prohibited By 42 USC §1985(3)" and the similar motion regarding Antifa;
- c) for #6 and #7, the phrase: "It was reasonably foreseeable to Defendant Ray and intended by him that coconspirators" should be amended to read "It was reasonably foreseeable to Defendant Ray and intended by him that coconspirators who were not Christopher Cantwell";
- d) In the alternate, for #2, #3, #4, #6, and #7, the statement that "The inference may be drawn that these co-conspirators were [the Nationalist Front, Vanguard America, the National Socialist Movement, Elliot Kline, James Fields, Matthew Heimbach] and, any other sanctioned Defendant] but not Christopher Cantwell [or any other non-sanctioned Defendant]" should be appended to those "Facts Deemed To Be Established".

Respectfully Submitted,



Christopher Cantwell
USP-Marion
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CERTIFICATE OF SERVICE

I hereby certify that this Amended Response was mailed to the Clerk of

Court, 1st Class Postage Prepaid, for posting upon the ECF, to which all other parties are subscribed, and, handed to USP-Marion staff members Kathy Hill and/or Nathan Simpkins for electronic transmission to the Court pursuant to the Court's prior Order, this ~~13th~~ day of September, 2021.

2444



Christopher Cantwell